

HOUSE BILL No. 1260

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-2-4; IC 7.1-3-19-8; IC 7.1-3-19-9.

Synopsis: Local alcoholic beverage boards. Changes the local alcoholic beverage board in each county from a four member board to a three member board by removing the member who is designated by the alcoholic beverage commission.

Effective: July 1, 1999.

Alderman

January 11, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1260

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-2-4-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. ~~Qualifications of~~
3 ~~Appointed Members. An appointed~~ A member of a local board shall
4 possess the following qualifications:
5 (a) ~~He shall~~ (1) Be twenty-one (21) years of age or older.
6 (b) ~~He shall~~ (2) Have been a bona fide resident of the county in
7 which ~~he~~ **the member** is to serve for at least five (5) years
8 immediately preceding ~~his~~ **the member's** appointment.
9 (c) ~~He shall~~ (3) Never have been convicted of a felony under the
10 laws of this state or of the United States. ~~and;~~
11 (d) ~~He shall~~ (4) Have a good moral character.
12 SECTION 2. IC 7.1-2-4-4 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~Political Affiliations.~~
14 Not more than two (2) of the ~~four~~ (4) **three (3)** members of a local
15 board shall be members of the same political party.
16 SECTION 3. IC 7.1-2-4-5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. ~~Composition.~~ A local



board shall be composed of ~~four (4)~~ **three (3)** members who are qualified for their positions according to this chapter and who ~~other than the designated representative of the commission~~; do not hold other lucrative public office or employment.

SECTION 4. IC 7.1-2-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~Appointments~~: A local board shall be composed of three (3) ~~appointed~~ members. ~~and one (1) designated member~~. One (1) of the ~~appointed~~ members shall be appointed by the board of county commissioners of the county in which the board is to perform its duties. One (1) of the ~~appointed~~ members shall be appointed by the county council of the county in which the board is to perform its duties. One (1) of the ~~appointed~~ members shall be appointed by the mayor of the city within the county having the largest population. ~~The designated member of the board shall represent the commission and shall be designated by the commission.~~

SECTION 5. IC 7.1-2-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. ~~Composition~~: ~~Two-Cities Exception~~: In a county in which there are located two (2) or more cities, each having a population of more than ten thousand (10,000), as to all applications for permits which apply to premises within the corporate limits of one (1) of the cities, the local board shall consist of the ~~designated member~~; the ~~appointed~~ members appointed by the board of county commissioners and the county council, and a member appointed by the mayor of the ~~affected~~ **affected** city.

SECTION 6. IC 7.1-2-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The order of appointments to a local board shall be as follows:

- (1) The board of commissioners of a county shall make its appointment first.
- (2) The city or town executive, as the case may be, shall make the executive's appointment second.
- (3) The county fiscal body shall make its appointment third.
- ~~(4) The commission shall designate its representative fourth.~~

SECTION 7. IC 7.1-2-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. ~~Terms of Office~~: The term of office of ~~an appointed~~ **a** member, other than an ad interim appointee, shall be for one (1) year from the date of ~~his~~ **the member's** appointment and until ~~his~~ **a** successor is appointed and qualified. ~~The designated representative of the commission shall not have any specific term on any particular local board.~~

SECTION 8. IC 7.1-2-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. ~~Meetings~~: Meetings



of the local board shall be held in the office of the clerk of the circuit court, or at another place provided by the board of county commissioners. It shall be the duty of a member to attend the meetings of ~~his the~~ board and to discharge the duties of ~~his the~~ office. Any member of a local board may administer oaths. A meeting of a local board called for the purpose of a public investigation of an application for a permit may be continued from day to day, or adjourned until a later meeting of the local board in the discretion of the ~~designated representative of the commission:~~ **board.**

SECTION 9. IC 7.1-2-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. ~~Quorum and Voting. Three (3)~~ **Two (2)** members of a local board shall constitute a quorum for the transaction of business. A local board may take action only upon the affirmative votes of at least ~~three (3)~~ **two (2)** of its members.

SECTION 10. IC 7.1-2-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. ~~Compensation.~~ As compensation for services, ~~an appointed~~ a member of a local board shall receive an annual salary in the amount of two hundred forty dollars (\$240) from the state, paid in twelve (12) equal monthly installments.

SECTION 11. IC 7.1-2-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. ~~Additional Compensation. An appointed~~ A member of a local board shall receive, in addition to the annual salary, compensation from the state at the rate of three dollars (\$3.00) for each application on which ~~he the member~~ is required to, and does, investigate and report. The additional compensation shall be paid within sixty (60) days after the required questionnaire has been completed in due form, signed by the member, and delivered to the commission in duplicate.

SECTION 12. IC 7.1-2-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. ~~An appointed~~ A member of a local board shall receive mileage at the same rate per mile as is provided for state employees in the state travel policies and procedures established by the department of administration and approved by the state budget agency for each mile, in excess of two (2) miles per day, traveled by ~~him the member~~ in necessary attendance at the meetings of the local board. The claim for mileage shall be certified by the member and filed with the commission. The claim for mileage shall be paid by the state at the expiration of sixty (60) days after the questionnaire covering an application investigated at the meeting of the local board in respect to which the mileage is claimed has been filled



1 out and signed by the member.

2 SECTION 13. IC 7.1-2-4-20 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. ~~Oath of Office.~~ An
4 ~~appointed~~ A member of a local board shall execute an oath of office in
5 duplicate. One (1) copy of the oath shall be filed in the office of the
6 clerk of the circuit court of the judicial circuit in which the local board
7 sits. The other copy shall be filed with the chairman.

8 SECTION 14. IC 7.1-2-4-21 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. ~~Removal from~~
10 ~~Office.~~ An ~~appointed~~ A member of a local board may be removed from
11 office only for good cause. The commission shall give the member a
12 written copy of the charges against ~~him~~ **the member** and shall fix the
13 time, which shall not be less than five (5) days thereafter, when the
14 member may appear before the commission and show cause why ~~he~~ **the**
15 **member** should not be removed. The commission shall establish
16 procedures for the removal of ~~an appointed~~ a member of a local board.
17 The findings and determinations of the commission in respect to a
18 removal shall be final.

19 SECTION 15. IC 7.1-3-19-8 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. ~~Testimony.~~ In the
21 discretion of the ~~designated member of the~~ local board, sworn oral
22 testimony may be heard, and affidavits or duly certified documents may
23 be received. The local board also may utilize any and all sources of
24 unsworn information.

25 SECTION 16. IC 7.1-3-19-9 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. ~~Questionnaires.~~ Each
27 member of the local board, at the conclusion of the investigation, shall
28 answer in writing the questions contained in the questionnaire
29 submitted by the commission in relation to the investigation. Each
30 member of the local board shall sign the questionnaire in duplicate.
31 Both copies of the questionnaire shall be ~~given to the designated~~
32 ~~member who shall deliver them~~ **delivered** to the commission for its use
33 in acting upon the application. The commission also may order that
34 further investigations on an application be made before the local board.

35 SECTION 17. IC 7.1-2-4-3 IS REPEALED [EFFECTIVE JULY 1,
36 1999].

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